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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/054,564 04/03/98 SIMPSON J

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QM11/0621

EXAMINER

BAE, G

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 06/21/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/054,564

Applicant(s)
Jack R. Simpson

Examiner
Gyoungyun Bae

Group Art Unit
3724



☒ Responsive to communication(s) filed on 4/19/99

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-44 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-44 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

DETAILED ACTION

1. This action is in response to applicant's amendment received on 4/19/1999.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Smithwick, Jr. et al for the same reasons set forth in paragraph 4 of the first office action (paper number 2).

For the added limitations in the amendment, Smithwick, Jr. et al discloses the same invention including an outside trim piece: the corrugated board portion inside the cutters 112 in Fig. 2 and taught in line 14, column 3, the a trim stripper 10 mounted outside the trim cutting blade 112 for engaging the trim piece taught in line 14, column 3 and stripping the trim piece from the product portion: the corrugated board portion inside the cutters 112 in Fig. 2.

Response to Amendment

4. Applicants remarks have been fully considered but they are not deemed persuasive.

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Applicant contends in the last paragraph in page 5 that the Smithwick does not in any way relate to cutting or stripping trim from the incoming blank corrugated board.

It is the examiner's position that in lines 3-7, column 1 of Smithwick the relationship is mentioned.

Applicant contends in lines 3-5, page 6 that the Smithwick does not cut or strip trim from outside of a corrugated board

It is the examiner's position that the scrap in Smithwick can be the product to manufacture tiny small boxes and the outside can be the scrap. The inside or outside can be changed based on the definition of reference point. The main thing is that the claim limitations are still broad and they are readable not only on Smithwick but also on the other provided references. Claims should be further narrowed to make the invention distinct from the provided references.

Conclusion

5. For the reasons above, the grounds of rejection are deemed proper.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bae whose telephone number is (703) 305-1920. The examiner can normally be reached on Monday through Friday from 8:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

gbae
May 21, 1999


M. Rachuba
Primary Examiner